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OFFICE OF PETITIONS

Atty Docket No.: SON-417
(80001-0881)

Inventor: Kazuhiro SATO

Patent No.: 5,453,758
App No.: 08/098,896
Title: INPUT APPARATUSIssue Date: September 26, 1995
Filed: July 23, 1993

Documents Filed:

Renewed Petition Under 37 CFR 1.138 (17 Pages)

Attachment A - Sony Docketing System Record

Attachment B - Letter Of February 28, 1997

Attachment C - Request For Final Disposition

Attachment D - Quarterly Invoice From CPI

Attachment E - Notice of Non-Acceptance of Patent Maintenance Fee



Via: Hand Carry

Sender's Initials: RPK/BKD/mks

Date: July 17, 2007

Docket No.: SON-417
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No. 5,453,758 of:
Kazuhiro SATO

Issued: September 26, 1995

Application No.: 08/098,896

Filed: July 29, 1993

For: INPUT APPARATUS

FAX RECEIVED

JUL 18 2007

OFFICE OF PETITIONS

**PETITION FOR RECONSIDERATION UNDER (37 C.F.R. §1.378(E))
OF THE DECISION ON PETITION OF MAY 17, 2007**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition is a full and timely response to the Decision on Petition mailed on May 17, 2007 dismissing the Petition To Accept Unavoidably Delayed Payment Of Maintenance Fee In An Expired Patent (37 C.F.R. §1.378(b)) filed on June 30, 2006. Reexamination and reconsideration in light of the following remarks are courteously requested.

Any such petition for reconsideration must be accompanied by the petition fee required by 37 C.F.R. §1.17(f). Accordingly, the petition fee being submitted is \$400.00.

The Commissioner is hereby authorized to charge the petition fee of \$400.00 to Deposit Account No. #18-0013. If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account No. #18-0013.

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ARGUMENT

The Decision on Petition (the Decision) highlights that:

A petition to accept the delayed payment of a maintenance fee under 35 USC 41(c) and 37 CFR 1.378(b) must be accompanied by

- (1) An adequate showing that the delay was unavoidable, since reasonable care was taken to insure that the maintenance fee would be paid timely,
- (2) Payment of the appropriate maintenance fee, unless previously submitted, and
- (3) Payment of the surcharge set forth in 37 CFR 1.20(i)(1).

In its conclusion of an absence of item (1) above from within the Petition of June 30, 2006, the Decision explained that:

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

- (1) The error was the cause of the delay at issue;
- (2) There was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
- (3) The employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care. See MPEP 711.03(c)(III)(C)(2).

In response, the arguments and evidence presented within the Petition of June 30, 2006 are incorporated by reference. Additional arguments are provided hereinbelow.

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“If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, *it may properly be said to be unavoidable*, all other conditions of promptness in its rectification being present” (emphasis added). *In re Egbers*, 6 USPQ2d 1869, 1871 (Comm’r Pat. 1988).

Section 2590 of the M.P.E.P. provides that an error in a docketing system could possibly result in a finding that a delay in payment was unavoidable if it were shown that reasonable care was exercised in designing and operating the system and that the patentee took reasonable steps to ensure that the patent was entered into the system to ensure timely payment of the maintenance fees.

(1) The error was the cause of the delay at issue.

The letter from Sanae Takada of Sony Intellectual Property Solutions Corporation dated June 26, 2006, which has been provided as ATTACHMENT G of the Petition of June 30, 2006, refers to an error in the docketing system as being the cause of the delay in providing the 7 ½ year maintenance fee payment to the U.S. Patent and Trademark Office.

The Decision is required to set forth specific findings of fact and conclusions of law adequate to form a basis for appellate review. *Gechter v. Davidson*, 43 USPQ2d 1030, 1035 (Fed. Cir. 1997).

Here, the Decision has concluded the letter from Ms. Takada states that there was *no written procedure for managing the docketing of applications having a related reissue case at the time this error occurred and the personnel responsible for the error was assumed to be an inexperience clerk*. As a result, the Decision reasoned that one cannot deem that the cause of the delay was unavoidable since there is no showing that applicant was careful or prudent in his most important business in relying on Sony’s system and personnel within the meaning of *In re Katrapat* (Decision at page 2).

In response to this line of reasoning, no statement can be found within the letter of June 26, 2006 from Ms. Takada regarding the absence of a written procedure for managing the docketing of applications having a related reissue case at the time this error occurred, as the Decision urges.

Instead, it is respectfully submitted that of the actual language found within the letter of June 26, 2006 from Ms. Takada refers to a "written manual for managing reissue cases." Specifically, the letter of June 26, 2006 states that "there was not a written manual for managing reissue cases in our section at that time."

Furthermore, U.S. Patent and Trademark Office (USPTO) practice and procedures provide that the filing of a reissue application does not alter the schedule of payments of maintenance fees on the original patent. M.P.E.P. §1415.01.

Found within the reissue application, U.S. Application No. 08/736,288 is an Order to Show Cause dated May 31, 2006. However, there is no indication within that Order of the reissue application maturing into a reissue patent. Yet, the Decision on Petition refers solely to the reissue application and not to U.S. Patent No. 5,453,758, the underlying original patent in its reasoning for dismissing the Petition of June 30, 2006.

As a consequence, no explanation or discussion can be found within the Decision regarding an absence of procedures associated with the payment of maintenance fees in the original patent.

Even still, the presence or absence of a written manual for managing reissue cases is not dispositive of the issues regarding an error in the Sony docketing system as being the cause of the delay in providing the 7 ½ year maintenance fee payment so long as there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance. M.P.E.P. §711.03(c)(III)(C)(2).

In this instance, there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance. However, an erroneous data

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entry found within the Sony docketing system was the cause of the delay in providing the 7 ½ year maintenance fee payment to the USPTO.

- (2) There was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance.

The Decision explained that Petitioner must supply a thorough explanation of the docketing (at Sony) and call-up system in use.

The Decision instructs that Petitioner must supply a thorough explanation of the docketing (at Sony) and call-up system in use and must identify the type of records kept and the person responsible for the maintenance of the system.

The Decision further instructs that Petitioner must identify the type of records kept and the person responsible for the maintenance of the system.

This showing must include copies of mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing, and include an indication as to why the system failed in this instance to provide adequate notice that a reply was due.

In response, a copy of the Sony docketing system record with notations for the convenience of the USPTO is provided along with this Renewed Petition as ATTACHMENT A.

This Sony docketing system record provides evidence of a tool within Sony used in the docket management of an application having a related reissue case.

Specifically, the Sony Reference No. for the proceedings associated with the original patent is S93P0482US00 for internal tracking purposes, which is shown on the bottom of page 1 of the Sony docketing system record. Continuing on page 2, shown is "1993-07-28", which is the date that an "*application filed*" entry (status code "01") was input to a database field for the original

application, which coincides with the filing date of July 29, 1993 for U.S. Patent Application No. 08/098,896 (the original application).

The original application matured into the original patent on September 26, 1995. A database field on the Sony docketing system record for the original application includes an entry of "1995-09-26", which is the issue date of the original patent.

A reissue application based upon the original patent was filed on October 24, 1996 as U.S. Patent Application Serial No. 08/736,288. A letter of February 28, 1997 from the Marks & Murase law firm forwarded to Sony a copy of the Filing Receipt for the reissue application.

A copy of the letter of February 28, 1997 from the Marks & Murase law firm is provided along with this Renewed Petition as ATTACHMENT B.

The letter and official filing receipt of the reissue patent application was received by Sony in their Tokyo, Japan office on March 11, 1997 and was forwarded to their Atsugi, Japan office where it was received on March 14, 1997. The letter and official filing receipt were then forwarded to Tokyo office

A "Request for Final Disposition" of Sony Reference No. S93P0482US00 (the original patent) was completed by Ms. Nao Miyamoto on May 6, 1998.

A copy of the Request for Final Disposition is provided along with this Renewed Petition as ATTACHMENT C.

Shown below is a portion of the Request for Final Disposition that indicates Sony Reference No. S93P0482US00.

共同							区分				
S	9	3	P	4	8	2	US	00		9	
[必要書類]											

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Status code 9 of the adjacent field refers to the list of status codes presented on the Request.

Shown below is a portion of the Request for Final Disposition that includes status code 9, along with an English translation for the convenience of the USPTO.

4	不服審判不成立後放棄/被異議成立		
9	出願取下(1~6 以外で放棄) (Re-issue の繰出願)	「放棄指示」 「Re-issue 指示」	登録係受理後に処理 * 年金担当者に英相談
10	出願放棄(派生出願の繰出願)	<input type="checkbox"/> 継続出願の指示	審査通知受理後に処理

<code>
9
<code detail>
abandoned by withdrawn/dismissed
(abandoned by other than status code 1-6)
(Parent of re-issue patent application)

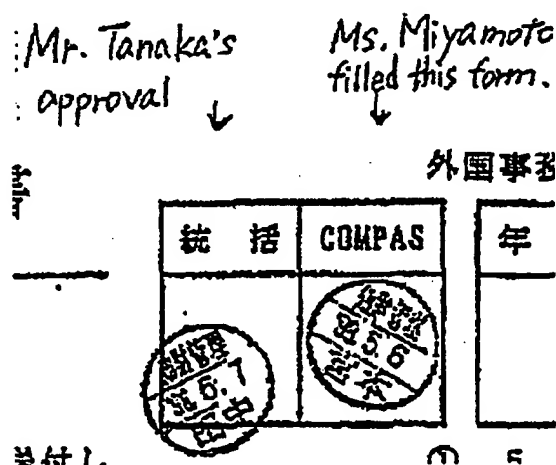
<patent engineer's action>
instruct attorney to abandon

instruct attorney to file a
reissue patent application

<administrator's action>
input after Letters Patent received

* consult annuity person

Shown below is a portion of the Request for Final Disposition that includes the identification stamps for Ms. Miyamoto and Mr. Keisuke Tanaka.



The stamp for Ms. Miyamoto indicates that she prepared the Request for Final Disposition on May 6, 1998. Although proceedings in the reissue application were ongoing in May of 1998, status code 9 was erroneously selected by Ms. Miyamoto in the Request prior to the conclusion of the proceedings in the reissue application.

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Routine practice and procedures within Sony at the time of the error arose provide for the designation of status code 9 in the database of the original patent once the original patent reissues. Further shown is the stamp for Mr. Tanaka indicating his approval of the completed form on May 7, 1998, notwithstanding an instruction found within status code 9 to *process after receiving the Letters Patent of the reissue*. Mr. Tanaka failed to notice the erroneous selection of status code 9 within the Request. Mr. Tanaka, who was the manager of the foreign patent administration group at the time of the error, has since left Sony in 2005.

Furthermore, the Request for Final Disposition requires a confirmation of the person assigned to annuity matters. Although Ms. Masako Motosugi was assigned to annuity matters during the time that the error arose, there is no indication of the Request being forwarded to Ms. Motosugi for her review and confirmation. Ms. Motosugi left Sony in 2006.

The "COMPAS" docketing system was in use at Sony as of May of 1998. Other status codes associated with the "COMPAS" docketing system found on Request for Final Disposition are as follows:

- Status code 1: abandoned by not requesting for an examination;
- Status code 2: abandoned by not filing any response to Office Action;
- Status code 3: abandoned by not filing any response to Final Office Action;
- Status code 4: abandoned after receiving the Decision on Appeal;
- Status code 5: abandoned by not paying annuity fee (pending case);
- Status code 6: abandoned by not paying annuity fee (issued case).

The "COMPAS" docketing system in use as of May of 1998 was succeeded by the new docketing system "New-COMPAS". Data from "COMPAS" was transferred to "New-COMPAS" in July of 1998.

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The status codes associated with the "New-COMPAS" docketing system replacing those found within the "COMPAS" docketing system are as follows:

Status code 1 of COMPAS is now Status code 12 of New-COMPAS;

Status code 2 of COMPAS is now Status code 05 of New-COMPAS;

Status code 3 of COMPAS is now Status code 05 of New-COMPAS;

Status code 4 of COMPAS is now Status code 26 of New-COMPAS;

Status code 5 of COMPAS is now Status code 18 of New-COMPAS;

Status code 6 of COMPAS is now Status code 18 of New-COMPAS;

Status code 9 of COMPAS is now Status code 07 of New-COMPAS.

The filing information of the reissue patent application was input by Ms. Miyamoto on May 6, 1998. On the same day, Ms. Miyamoto filled in the Request for Final Disposition of the original patent. The letter of June 26, 2006 from Ms. Takada explains the Sony docketing system record shows that an "*application withdrawn/dismissed*" entry (New-COMPAS status code "07") was input to the database for the original patent on May 6, 1998 on the same day that an "*application filed*" entry (New-COMPAS status code "01") was input to the reissue application.

As evidence, the Sony Reference No. for the proceedings associated with the reissue application of S93P0482US01 and the date of "1998-05-06" are shown on the bottom portion of page 2 of the Sony docketing system record. Page 2 of the Sony docketing system record shows that on "1998-05-06", an "*application filed*" entry (New-COMPAS status code "01") was input to database fields for the reissue application and an "*application withdrawn/dismissed*" entry (New-COMPAS status code "07") was input to another database field for the original patent.

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As indicated hereinabove, a copy of the Sony docketing system record, with notations for the convenience of the USPTO, is provided along with this Renewed Petition as ATTACHMENT A.

During December of 2002, Ms. Takada prepared a listing of patents to transfer responsibility for the management of the maintenance fees from Rader, Fishman and Grauer (the Firm) to Computer Packages Inc. (CPI). As noted hereinabove, an "*application withdrawn/dismissed*" entry (New-COMPAS status code "07") was input to the database field for the original patent. As a result, the original patent was not catalogued in the list. Patents having an "*application withdrawn/dismissed*" entry (New-COMPAS status code "07") are routinely omitted from the list. As a result, the original patent was omitted from the list prior to the forwarding of the list to CPI.

An e-mail dated January 10, 2003 from Ms. Takada to Paula L. Talarek at the Firm indicates that responsibility for the applications identified on Sheet A of the attached document "DC107977 030109.XLS" will be transferred from the Firm to CPI.

A copy of the e-mail dated January 10, 2003 in its redacted form is has been provided previously as ATTACHMENT C of the Petition of June 30, 2006.

Document "DC107977 030109.XLS" attached to the e-mail dated January 10, 2003 lists as record 914 the reissue application (U.S. Patent Application Serial No. 08/736,288), *which has yet to reissue*. However, no listing of the original patent (U.S. Patent No. 5,453,758) is found within document "DC107977 030109.XLS.

A copy of document "DC107977 030109.XLS in its redacted form has been provided previously as ATTACHMENT D of the Petition of June 30, 2006.

As a routine business practice, Sony requests a quarterly Invoice from CPI as digital data and as a paper report. This Invoice includes a maintenance fee schedule listing the maintenance fee payments due in applications assigned to Sony during a specific period of time. The Sony reference number is the report index.

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A copy of the quarterly Invoice from CPI dated January 17, 2003 for the First quarter, 2003 is provided along with this Renewed Petition as ATTACHMENT D.

In January of 2003, Ms. Takada compared relevant data retrieved from within the database of the COMPAS docketing system for issued patents having a status of "*not abandoned, not expired*" with the quarterly Invoice received from CPI. These relevant data from within the database of the COMPAS docketing system included information pertaining to the 3 ½, 7 ½, and 11 ½ year maintenance fees due without surcharge between the time period of January 1, 2003 and March 31, 2003 in the patents issued to Sony. Regarding payment of the 7 ½ year maintenance fee due in U.S. Patent No. 5,453,758, the website for the USPTO identifies a Surcharge Date of March 27, 2003, which is within the time period between January 1, 2003 and March 31, 2003. U.S. Patent No. 5,453,758 is also absent from within the quarterly Invoice from CPI of January 17, 2003.

But as previously noted, the letter of June 26, 2006 from Ms. Takada explains the Sony docketing system record shows that an "*application withdrawn/dismissed*" entry (New-COMPAS status code "07") was erroneously input to the database for the original patent on May 6, 1998. As a result of this error, Ms. Takada was unaware during her data comparison in January of 2003 of an existence of the 7 ½ year maintenance fee payment due in U.S. Patent No. 5,453,758.

(3) The employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

The Decision further explained that Petitioner must also supply information regarding the training provided to the Sony personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

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Ms. Nao Miyamoto joined Sony in foreign patent administration group of at the Tokyo, Japan office in September 1996. Within two months of her arrival at Sony in 1996, Ms. Miyamoto administered Sony applications and patent that were prosecuted in patent offices located in countries other than Japan.

Ms. Miyamoto received the training from two experienced workers, Ms. Motoko Kikuchi and Ms. Miki Tanae. This training pertained to subjects such as document categorization. These categories includes but are not limited to 1) Documents requiring a reply by a due date; 2) Documents requiring action by a patent engineer at Sony; and 3) Documents which require neither a reply by a due date nor action by a patent engineer. This training additionally included instruction regarding how to input information to the Sony docketing system and instruction regarding how to prioritize tasks.

As manager of the foreign patent administration group, Mr. Keisuke Tanaka reviewed the work of Ms. Miyamoto in 1998. One of his duties was to assure proper execution of tasks assigned to Ms. Miyamoto.

IN RE KATRAPAT

The Decision refers to *In re Katrapat, AG*, 6 USPQ2d 1863 (Comm'r Pat. 1988). Please note, however, that this situation is analogous to that provided within *In re Katrapat*.

As a rule, if unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present. *In re Katrapat*, at 1866.

The Petition of June 30, 2006 and the present Renewed Petition identify the use of a computerized docketing system to insure that responses are timely filed.

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Likewise, Katrapat's attorneys used a computerized docketing system to insure that responses are timely filed (*Katrapat* at 1867).

As noted hereinabove, the Sony docketing system record shows that an "*application withdrawn/dismissed*" entry (New-COMPAS status code "07") was erroneously input to the database for the original patent on May 6, 1998.

Likewise, the records clerk of *Katrapat* entered the data from the hardcopy log into the computer once a month, and the computer generated dockets for individual patent attorneys (*id.*).

Document "DC107977 030109.XLS" attached to the e-mail dated January 10, 2003 lists as record 914 the reissue *application* (U.S. Patent Application Serial No. 08/736,288), *which has yet to reissue*. However, *no listing of the original patent* (U.S. Patent No. 5,453,758) is found within document "DC107977 030109.XLS. Relevant data retrieved from within the database of the COMPAS docketing system for issued patents having a status of "*not abandoned, not expired*" was compared with the quarterly Invoice received from CPI. Because of the erroneous input, Ms. Takada was unaware during her data comparison in January of 2003 of an existence of the 7 ½ year maintenance fee payment due in U.S. Patent No. 5,453,758.

Within *Katrapat*, counsel did not prepare a timely response to an Office action that was never entered into the docketing system. (*id.*). But despite the presence of multiple errors made in providing a timely response (*Katrapat*, at 1867-68), the Commissioner nevertheless granted Katrapat's petition to revive the reexamination proceedings under the "unavoidability" standard. (*Katrapat*, at 1868).

11 ½ YEAR MAINTENANCE FEE

A Notice of Non-Acceptance of Patent Maintenance Fee was mailed on March 20, 2007 in U.S. Patent No. 5,453,758.

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The Notice indicates a payment receipt date of March 16, 2007 in the amount of \$3,800.00 as payment for the 11 ½ year maintenance fee payment due. However, the Notice further indicates non-acceptance of the 11 ½ year maintenance fee payment due pending the outcome of the instant Petition.

A copy of the Notice of Non-Acceptance of Patent Maintenance Fee is provided along with this Renewed Petition as ATTACHMENT E.

RELIEF

Applicant hereby petitions the Commissioner under 37 C.F.R. §1.378(e) to issue a decision granting the Petition To Accept Unavoidably Delayed Payment Of Maintenance Fee In An Expired Patent (37 C.F.R. §1.378(b)) filed on June 30, 2006.

Applicant further requests acceptance of the 11 ½ year maintenance fee.

The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account # 18-0013.

Dated: July 17, 2007

Respectfully submitted,

By 

Ronald P. Kananen

Registration No.: 24,104

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

(202) 955-3750

Attorney for Applicant

AUTHORIZATION-DUPLICATE COPY

MANNER OF PAYMENT

The Director is hereby authorized to charge Deposit Account # 18-0013 the sum of
\$400.00.

AUTHORIZATION-DUPLICATE COPY

AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account # 18-0013.

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AUTHORIZATION-DUPLICATE COPY

OVERPAYMENT

As to any overpayment made, please credit to Deposit Account # 18-0013.

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ATTACHMENT A

DC281709.DOC

A

* * * 特許概要リスト * * *

2006年 6月23日 12:55 Page 1/3

受付番号	:S93P0482
出願番号	:
発明の名称	:入力装置
F 英文タイトル	:
出願種別	:
出願日	:
法的出願日	:
権利満了日	:
登録日	:
登録番号	:
F 登録日 初期入力日	:
出願ルート	:F ファミリー
処分コード	:
処分決定日	:
処分決定日 入力日	:
状況コード	:A0 受付
F 現地代理人C	:
F 現地代理人整番	:
F 仲介代理人C	:
F 仲介代理人整番	:
出願人数	:0
権利者数	:0
出願人C	:
費用配分	:
年金移管先	:
メモ5	:
文書箱番号	:
包袋コード	:
技術担当者GP(現)	:GX
技術担当者C(現)	:960107
オリジナル区分	:
発明者氏名	:
優先権出願番号	:
四法	:
公告日	:
公告番号	:
処分コード 入力日	:
D 外国整番(国内)	:
外国パナコード	:NHEC
J Kキートン	:J REGCCB, J RESABA, KCTVcxxx, KAUlxxx, KCOMxxx
海一現地整番	:
F 出願処分入力日	:
F 権利処分入力日	:

受付番号	:S93P0482**00
出願番号	:
発明の名称	:入力装置
F 英文タイトル	:
出願種別	:
出願日	:
法的出願日	:
権利満了日	:
登録日	:
登録番号	:
F 登録日 初期入力日	:
出願ルート	:J 準備
処分コード	:
処分決定日	:
処分決定日 入力日	:
状況コード	:A0 受付
F 現地代理人C	:
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F 仲介代理人C	:
F 仲介代理人整番	:
出願人数	:0
権利者数	:0
出願人C	:
費用配分	:
年金移管先	:
メモ5	:
文書箱番号	:
包袋コード	:
技術担当者GP(現)	:GX
技術担当者C(現)	:960107
オリジナル区分	:
発明者氏名	:
優先権出願番号	:
四法	:
公告日	:
公告番号	:
処分コード 入力日	:
D 外国整番(国内)	:
外国パナコード	:NHEC
J Kキートン	:J REGCCB, J RESABA, KCTVcxxx, KAUlxxx, KCOMxxx
海一現地整番	:
F 出願処分入力日	:
F 権利処分入力日	:

受付番号	:S93P0482**00
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Parent Patent

出願番号 : 098896
 発明の名称 : 入力装置
 F 英文タイトル : POINTING DEVICE
 出願種別 : A 通常
 出願日 : 1993-07-29
 法的出願日 : 1993-07-29
 権利満了日 : 2013-07-29
 登録日 : 1995-09-26
 登録番号 : 5453758
 F 登録日初期入力日 : 1995-10-26
 出願ルート : 0 各国
 出願日 : 01 出願
 処分決定日 : 1993-07-28
 処分決定日入力日 : 1995-09-26
 状況コード : H0 取下/却下
 F 現地代理人C : 04US
 F 現地代理人整番 : SON-417
 F 仲介代理人C : XX00
 F 仲介代理人整番 :
 出願人数 : 1
 権利者数 : 1
 出願人C : 000218
 費用配分 : 100/100
 年金移管先 :
 メモ5 :
 文書箱番号 :
 包袋コード : X
 担当者GP(現) : GX
 担当者C(現) : 960107
 オリジナル区分 : 2
 発明者氏名 : 佐藤 一博
 優先権出願番号 : 92035268
 : 93012038
 四法 : 1
 公告日 :
 公告番号 :
 処分決定日 : 1993-07-28
 : 1995-09-26
 D 外国整番(国内) :
 外国加パニコード : NHEC
 J Kニコード : J REGCCB, J RESABA, KCTVcxxx, KAUIxxx, KCOMxxx
 海一現地整番 :
 F 出願処分入力日 : 1998-05-06
 F 権利処分入力日 :

93P04824500

Status code 01: application filed

07: withdrawn / dismissed

the Date when the Status code 01 was input

the Date when the Status code 07 was input

受付番号 : 93P04824500
 出願番号 : 736288
 発明の名称 : 入力装置
 F 英文タイトル : POINTING DEVICE
 出願種別 : 3 再発行
 出願日 : 1996-10-24
 法的出願日 : 1993-07-29
 権利満了日 :
 日 :
 登録番号 :
 F 登録日初期入力日 :
 出願ルート : 0 各国
 出願日 :
 処分決定日 : 1998-05-06
 処分決定日入力日 : 1998-05-06
 状況コード : G0 出願
 F 現地代理人C : 04US
 F 現地代理人整番 : SON-906/REISSUE
 F 仲介代理人C : XX00
 F 仲介代理人整番 :
 出願人数 : 1
 権利者数 : 1
 出願人C : 000218
 費用配分 : 100/100
 年金移管先 : 23US
 メモ5 :
 文書箱番号 :
 包袋コード : X
 技術担当者GP(現) : GX
 技術担当者C(現) : 960107
 オリジナル区分 : 2
 発明者氏名 : 佐藤 一博
 優先権出願番号 :
 四法 : 1
 公告日 :
 公告番号 :
 処分決定日 : 1998-05-06
 D 外国整番(国内) :
 外国加パニコード : NHEC
 J Kニコード : J REGCCB, J RESABA, KCTVcxxx, KAUIxxx, KCOMxxx
 海一現地整番 :

Reissue Patent Application

Status code 01: application filed.

the Date when the decision Date was input.

the Date when the status code 01 was input

F 出願処分入力日 :
F 権利処分入力日 :

Application No. 08/098,896
Patent No. 5,453,758

Docket No.: SON-417

ATTACHMENT B

DC281708.DOC

B

D
399 PARK AVENUE
NEW YORK, NEW YORK 10022-4689
(212) 318-7700

MARKS & MURASE**L.L.P.****ATTORNEYS AT LAW****SUITE 750****2001 L STREET, N.W.****WASHINGTON, D.C. 20036-4910****(202) 955-4900**

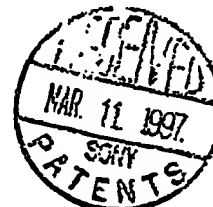
Telex 248749

Fax (202) 955-4933

Fax (202) 955-4932

February 28, 1997

333 SOUTH GRAND AVENUE
LOS ANGELES, CALIFORNIA 90071
(213) 620-9690



Mr. Toshiya Ogura
General Manager
Intellectual Property Department
Sony Corporation
Tokyo International
P.O. Box 5100
Tokyo 100-31, JAPAN

Re: U.S. Reissue Patent Application of
Kazuhiro Sato
(Sony Corporation)
Serial No. 08/736,288
(Reissue of U.S. Patent No. 5,453,758)
For: "Input Apparatus"
Your Reference No. S93P482US01
Our Reference No. SON-906/Reissue

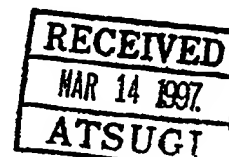
IN PUT

Dear Mr. Ogura:

We have enclosed a copy of the Official Filing Receipt which we received from the Patent and Trademark Office in connection with the above-identified application. The receipt confirms that the application was filed on October 24, 1996 and formally assigns the case Serial No. 08/736,288. The application has been assigned to Group No. 2609 for examination.

We shall keep you advised of developments in this case as they occur.

Very truly yours,


Ronald P. KananenRPK/lnm
Enclosure

136635 001 55927 1

PTO-103X
(Rev. 8-95)

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/736,288	10/24/96	2609	\$930.00	SON-906/REIS	15	17	3

RONALD P KANANEN
MARKS & MURASE
SUITE 750
2001 L STREET NW
WASHINGTON DC 20036

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Connection Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

KAZUHIRO SATO, TOKYO, JAPAN.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A RE OF 08/098,896 07/29/93 PAT 5,453,758

FOREIGN/PCT APPLICATIONS-JAPAN
JAPAN

4-223569
5-141248

07/31/93
05/21/93

TITLE
INPUT APPARATUS

PRELIMINARY CLASS: 345

(see reverse)

Application No. 08/098,896
Patent No. 5,453,758

Docket No.: SON-417

ATTACHMENT C

DC281709.DOC

C

Ms. Miyamoto
filled this form.

最終処分依頼書

外国事務グループ

年 金	經 理

① 5, 6番放棄
② EPを含むもの
③ 海一案件のみ回覧
④ 9番放棄は要相談

・最終処分区分1-6, 9, 11
で場合で、維持する国が
あれば理由を記載。

↓

S	9	3	P	482	MS	00	9	済 / 未
								済 / 未
								済 / 未
								済 / 未
								済 / 未
								済 / 未
								済 / 未
								済 / 未

【必要書類】
 ・ファイル
 ・放棄等の手続き依頼書
 ・外国特許出願放棄連絡書
 (02依頼書メニューの22)
 ・審査状況リスト
 (07 計表作成照会画面
 メニューの05)

- ・ファイル
- ・放棄等の手続き依頼書
- ・外国特許出願放棄連絡書
(02依頼書メニューの22)
- ・審査状況リスト
(07 計表作成照会画面
メニューの05)

维持理由：

最 終 処 分 区 分		技術グループ	外国事務グループ
1 1	出願中止（出願前）	「変更・中止願」のみ提出。 当依頼書は不要。	
1 1	・ WO, EP放棄による指定国の処分 ・ WO, EP各国移行段階の指定国の取下げ	「放棄指示」	
1 2 3 4	審査請求放棄 拒絶理由通知時放棄 （WO, EP の Search Reportを含む） 拒絶査定後放棄 不服審判不成立後放棄／被異議成立	「放棄指示」	
9	出願取下（1～6 以外で放棄） （Re-Issue の親出願）	「放棄指示」 「Re-Issue指示」	登録証受理後に処理 ＊年金担当者に異相談
1 0	出願放棄（派生出願の親出願）	<input type="checkbox"/> 継続出願の指示 <input type="checkbox"/> 変更出願の指示 <input type="checkbox"/> P→U <input type="checkbox"/> U→P	願書通知受理後に処理 （U.S.の場合は外国事務にて 判断し当依頼書記載）
8	権利譲渡	「譲渡手続き」	
5 6 7	出願年金不払い放棄 登録年金不払い放棄 権利満了		不払い指示→仲介／現地代理人 不払い指示→現地代理人
1 4	最終処分 of 取消（最終処分後の入力等）		

(08.9.改定)

Application No. 08/098,896
Patent No. 5,453,758

Docket No.: SON-417

ATTACHMENT D

DC281709.DOC

D



LEADERSHIP FOR THE BEST IDEAS IN THE WORLD

A

January 17, 2003

MR. REIKICHI FUJII, SENIOR GENERAL MANAGER
INTELLECTUAL PROPERTY DIVISION (NF)
SONY CORPORATION
6-7-35 KITASHINAGAWA
SHINAGAWA-KU
TOKYO, 141-0001 JAPAN



SUPPLEMENTAL
Invoice #617315

ANNUITY PAYMENTS:

1st Quarter, 2003

79,112.00 USD

CASES DEDUCTED:

Number of Cases deducted _____ and amount _____

TOTAL _____

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17JAN03

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LISA YOUNG

COMPUTER PACKAGES INC.

414 HUNGERFORD DRIVE

ROCKVILLE, MARYLAND 20850 USA

TELEPHONE: (301) 424-8890

TELEFAX: (301) 762-8663

MR. KEISUKE YAMAKA (INT)
GENERAL MANAGER, INTELLECTUAL PROPERTY D
SONY CORPORATION
6-7-35, KITASHINAGAWA
SHINAGAWA-KU
TOKYO, 141-0001 JAPAN

PAGE 1
REPORT 04A1D2
DATE 17JAN03

INVOICE
ANNUITY MAINTENANCE FEES DUE
FROM 01JAN03 TO 31MAR03
CLIENT: NT 04US

COMPUTER PACKAGES INC.
414 HUNGERFORD DR., SUITE 300
ROCKVILLE, MD 20850 U.S.A.

NOTE: AMOUNTS SHOWN ARE IN U.S. DOLLARS, INCLUDING C.P.I. FEE

DIV	COUNTRY	EXCHANGE RATE	AMOUNT DUE CPI
04US	USA	1.00000	76,400
	CLIENT/DIV TOTAL		76,400
31US	USA	1.00000	2,712
	CLIENT/DIV TOTAL		2,712
	GRAND TOTAL		79,112

17JARD3

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FEE. RECEIPT OF PAYMENT FOR ACTIVE CASES, IS CONSIDERED AN INSTRUCTION TO
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PLEASE SEND PAYMENT TO :

LISA YOUNG

COMPUTER PACKAGES INC.

414 HUNTERS FORD DRIVE

ROCKVILLE, MARYLAND 20850 USA

TELEPHONE: (301) 424-8890

TELEFAX: (301) 762-8663

MR. KEISUKE TANAKA (RT)
GENERAL MANAGER, INTELLECTUAL PROPERTY D
SONY CORPORATION
6-7-33, KITASHINAGAWA
SHINAGAWA-KU
TOKYO, 141-0001 JAPAN

COMPUTER PACKAGES INC.
414 HUNGERFORD DR., SUITE 300
ROCKVILLE, MD 20850 U.S.A.

OFFICE DETAIL
FROM 01JAN03 TO 31MAR03
CLIENT: HT 0408

PA 1
REPORT 03A101
DATE 17JAN03

RECORDS MARKED WITH ** DID NOT APPEAR ON TAX REVIEW

CASE NUMBER/ YOUR REF.	COUNTRY	PATENT NUMBER	APPLICATION NUMBER	DATE	YEAR	AMOUNT DUE CPI	TITLE HOLDER YOUR REF/MATTER NO.
887P0092U801 ✓	** USA	5040149	496076	13FEB92	12	3.164	SONY CORPORATION 80001-0732
888P0185U801 ✓	** USA	5041910	576187	20FEB92	12	3.164	SONY CORPORATION 80001-0743
889P0080U800 ✓	** USA	5050061	332999	17MAR92	12	3.164	SONY CORPORATION 80001-0535
889P0295U800 ✓	** USA	5046169	448991	03MAR92	12	3.164	SONY CORPORATION 80001-0532
890P0072U801 ✓	** USA	5438466	122184	01FEB96	8	2.064	SONY CORPORATION 80001-0561
890P0231U801 ✓	** USA	5446480	885234	28FEB96	8	2.064	SONY CORPORATION 80001-0572
891P0655U801 ✓	** USA	5448295	164848	05MAR96	8	2.064	SONY CORPORATION 80001-0642
892P0633U801 ✓	** USA	5440220	284249	08FEB96	8	2.064	SONY CORPORATION 80001-0793
892P0760U800 ✓	** USA	5440368	966512	08FEB96	8	2.064	SONY CORPORATION 80001-0801
892P0894U800 ✓	** USA	5452135	989381	19MAR96	8	2.064	SONY CORPORATION 80001-0828

COMPUTER PACKAGES INC.
414 HUNTERDORF DR., SUITE 300
ROCKVILLE, MD 20850 U.S.A.

NOTICE DETAIL
SECURITY MAINTENANCE FEES DUE
FROM 01 JAN 03 TO 31 MAR 03
CLIENTS: NT 0405

2
PAGE 2
REF: 03101
DATE: 17 MAR 03

RECORDS MARKED WITH ** DID NOT APPEAR ON TAX REVIEW

CASE NUMBER/ YOUR REF.	COUNTRY	PATENT NUMBER	APPLICATION NUMBER	DATE	YEAR	AMOUNT DUE CPT	TITLE HOLDER YOUR REF/HOLDER NO.
893P0158US01V ✓ ** USA		5437508	290077	01FEB96	8	2,064	SONY CORPORATION 80001-0818
893P0458US00V ✓ ** USA		5444240	09930	22FEB96	8	2,064	SONY CORPORATION 80001-0818
893P0512US01 ✓ ** USA		5949467	510337	07MAR00	4	904	SONY CORPORATION 80001-0064
893P04572US01 ✓ ** USA		5955728	586045	21MAR00	4	904	SONY CORPORATION 80001-0137
893P0581US00 ✓ ** USA		5453684	117714	28MAR96	8	2,064	SONY CORPORATION 80001-0948
893P0613US00 ✓ ** USA		5440123	112718	08FEB96	8	2,064	SONY CORPORATION 80001-0939
893P0777US00V ✓ ** USA		5833361	150371	03FEB00	4	904	SONY CORPORATION 80001-0110
893P0753US00 ✓ ** USA		5449124	151029	12MAR96	8	2,064	SONY CORPORATION 80001-0983
893P0763US00V ✓ ** USA		5445456	148262	28FEB96	8	2,064	SONY CORPORATION 80001-0986
893P0782US00 ✓ ** USA		5446409	158308	28FEB96	8	2,064	SONY CORPORATION 80001-0987

COMPUTER PACKAGES INC.
114 HUNTERFORD DR. SUITE 300
ROCKVILLE, MD 20850 U.S.A.

USE RETAIL
AMOUNT MAINTENANCE FEES DUE
FROM JANUARY TO MARCH
CLIENT HT DALS

PS
REPORT 00101
DATE 17JAN03

RECORDS MARKED WITH ** DID NOT APPEAR ON TAX REVIEW

CASE NUMBER/ YOUR REF.	COUNTRY	PATENT NUMBER	APPLICATION NUMBER	DATE	YEAR	AMOUNT DUE	TITLE HOLDER YOUR REF/MATTER NO.
594P0129US00 ✓	** USA	5445140	197878	28FEB96	8	2,064	SONY CORPORATION 80001-1003
594P0323US00 ✓	** USA	5437357	217721	01FEB96	8	2,064	SONY CORPORATION 80001-1011
594P0429US00 ✓	** USA	5447382	245742	05MAR96	8	2,064	SONY CORPORATION 80001-1026
594P0436US00 ✓	** USA	5452080	252563	26MAR96	8	2,064	SONY CORPORATION 80001-1037
594P0465US00 ✓	** USA	5452080	251180	19MAR96	8	2,064	SONY CORPORATION 80001-1042
594P0611US00 ✓	** USA	5448268	273434	28FEB96	8	2,064	SONY CORPORATION 80001-1074
594P0677US00 ✓	** USA	5439147	301328	08FEB96	8	2,064	SONY CORPORATION 80001-1081
594P0678US00 ✓	** USA	5444396	306638	22FEB96	8	2,064	SONY CORPORATION 80001-1090
594P0683US00 ✓	** USA	5448207	305355	05MAR96	8	2,064	SONY CORPORATION 80001-1093
594P0685US00 ✓	** USA	5452256	358603	19MAR96	8	2,064	SONY CORPORATION 80001-1123

COMPUTER PACKAGES INC.
414 HUNGERFORD DR., SUITE 300
ROCKVILLE, MD 20850 U.S.A.

OFFICE DETAIL:
ANNUITY MAINTENANCE FEES DUE
FROM DIVISION TO: 31 MAR 03
CLIENT: HT 0408

REPORT 03A101
DATE 11 JAN 03

RECORDS MARKED WITH ** DTD NOT APPEAR ON TAX REVIEW

CASE NUMBER/ YOUR REF.	COUNTRY	PATENT NUMBER	APPLICATION NUMBER	DATE	YEAR	AMOUNT DUE CFI	TITLE HOLDER YOUR REF/MATTER NO.
59501024800 ✓ ** USA		5952717	574854	14 MAR 00	4	904	SONY CORPORATION 80001-0216
59603150500 ✓ ** USA		5956617	627004	10 FEB 00	4	904	SONY CORPORATION 80001-0294
596031690500 ✓ ** USA		5960312	614206	28 MAR 00	4	904	SONY CORPORATION 80001-0341
59607730800 ✓ ** USA		5933253	719448	03 FEB 00	4	904	SONY CORPORATION 80001-0430
59608230500 ✓ ** USA		5933461	711280	03 FEB 00	4	904	SONY CORPORATION 80001-0407
59702030500 ✓ ** USA		5942813	808867	24 FEB 00	4	904	SONY CORPORATION 80001-0485
59704820800 ✓ ** USA		5933556	867532	03 FEB 00	4	904	SONY CORPORATION 80001-0503
59706090500 ✓ ** USA		5943392	876050	24 FEB 00	4	904	SONY CORPORATION 80001-0762
59706530500 ✓ ** USA		5947659	882272	07 MAR 00	4	904	SONY CORPORATION 80001-0960
59706600500 ✓ ** USA		5945856	861279	28 FEB 00	4	904	SONY CORPORATION 80001-1111

COMPUTER PACKAGES INC.
414 HUNGERFORD DR., SUITE 300
ROCKVILLE, MD 20850 U.S.A.

OFFICE DETAIL
PROPERTY MAINTENANCE FEES DUE
FROM 01JAN03 TO 31MAR03
CLIENT: NY 0405

5
REPORT 03H101
DATE 17JAN03

RECORDS MARKED WITH ** DID NOT APPEAR ON TAX REVIEW

CASE NUMBER/ YOUR REF.	COUNTRY	PATENT NUMBER	APPLICATION NUMBER	DATE	YEAR	AMOUNT DUE CPI	TITLE HOLDER YOUR REF/MATTER NO.
✓ 897P0621US00	** USA	5940629	895238	17FEB00	4	904	SONY CORPORATION 80001-1193
✓ 897P0934US00	** USA	5949163	941313	07MAR00	4	904	SONY CORPORATION 80001-0273
✓ 898P0118US00	** USA	5939734	026895	17FEB00	4	904	SONY CORPORATION 80001-1256
✓ 898P0590US00	** USA	5958632	104208	28MAR00	4	904	SONY CORPORATION 80001-1345
✓ 898P0924US00	** USA	5952736	154768	14MAR00	4	904	SONY CORPORATION 80001-1389

NO. OF ANNUITIES 45 CLIENT/DIV TOTAL

76,400

COMPUTER PACKAGES INC.
414 HUNGERFORD DR. SUITE 300
ROCKVILLE, MD 20850 U.S.A.

INVOICE DETAIL
ANNUITY MAINTENANCE FEES DUE
FROM 01JAN03 TO 31MAR03
CLIENT: NT 3108

PAGE 1
REPORT 03A101
DATE 17JAN03

RECORDS MARKED WITH ** DID NOT APPEAR ON TAX REVIEW

CASE NUMBER/ YOUR REF.	COUNTRY	PATENT NUMBER	APPLICATION NUMBER	DATE	YEAR	AMOUNT DUE CFI	TITLE HOLDER YOUR REF/MATTER NO.
894PS163US01 (1) ** USA	USA	5950301	979287	14MAR00	4	904	ATWA RES AND DEV INC
895P5166US00 ** USA	USA	5938845	546389	17FEB00	4	904	ATWA CO
896P5083US00 ** USA	USA	5940956	741811	24FEB00	4	904	ATWA CO
NO. OF ANNUITIES	3	CLIENT/DIV TOTAL				2,712	
NO. OF ANNUITIES	48	GRAND TOTAL				79,112	

Application No. 08/098,896
Patent No. 5,453,758

Docket No.: SON-417

ATTACHMENT E

DC281709.DOC

E



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHRISTOPHER M TOBIN
RADER FISHMAN & GRAUER PLLC
1233 20TH STREET NW
SUITE 501
WASHINGTON DC 20036

March 20, 2007

NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PATENT NUMBER: 5453758

PAYMENT STATUS:

Payment Amount Received: \$ 3,800.00

No charge was applied to your deposit account.

Payment Year 11.5 (e.g., 3.5, 7.5, 11.5)

PAYMENT RECEIPT DATE 03/16/2007
(Mailroom Date Stamp)

Your payment was not accepted for the following reason(s):

- ☐ 1. The maintenance fee for the above-identified patent was previously paid on _____.
☐ Information regarding the previous payment is stated in item 8 below.
- ☐ 2. The patent expired on _____. See "Patent Expiration" section below.
- ☐ 3. The fee was paid too early. See 37 CFR 1.366(b). Pursuant to 37 CFR 1.362(d), the payment window will open for the above-identified patent on _____.
- ☐ 4. Your payment was not sufficient to cover the maintenance fee and any required surcharge for the above-identified patent. An additional amount of \$ _____ is/was required.
- ☐ 5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided.
- ☐ 6. The payment did not include corresponding patent and application numbers, and was not specially accepted.
- ☐ 7. The above-identified patent is not subject to maintenance fees. No maintenance fees are due on utility patents filed before 12/11/80. No maintenance fees are due on design patents or on plant patents. See 37 CFR 1.362(a) and (b). (The "Resubmitting Maintenance Fee Payment" and "Patent Expiration" sections below do not apply.)
- ☒ 8. Other: PETITION FILED ON 06/30/2006 NO DECISION PLEASE WAIT ON DECISION BEFORE RESUBMITTING PAYMENT.

Resubmitting Maintenance Fee Payment

The six (6) month "grace period" for paying the maintenance fee for the above-identified patent ends on _____. In addition to the maintenance fee of \$ _____, a resubmitted payment filed in the USPTO during the 6 month "grace period" is required to include a surcharge of \$ _____. (See "Note" at the bottom of this Notice.)

To avoid patent expiration, the maintenance fee plus any required surcharge must be resubmitted in a manner that rectifies all of the indicated reason(s) for payment non-acceptance and *must be filed on or before the date the 6 month "grace period" ends*. Send by facsimile to the Office of Finance, Maintenance Fee Branch at (571) 273-6500, or by mail to the following address: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450, to the attention of the individual who has signed below.

Patent Expiration

The date the six (6) month "grace period" ends becomes the expiration date of the above-identified patent if the required amount for paying the maintenance fee is not filed in the USPTO by that date. See 37 CFR 1.362(g). Expired patents may be reinstated if a petition as set forth in 37 CFR 1.378 is granted. If the above-identified patent has expired and reason number 5 or 6 above is the only reason indicated for payment non-acceptance, it is possible that the payment may be accepted if resubmitted with a petition as set forth in 37 CFR 1.377, rather than 37 CFR 1.378.

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Glenda Hinton
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TOTAL P.41

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JUL 18 2007

OFFICE OF PETITIONS

DATE: July 18, 2007**PTO IDENTIFIER:** Application Number 08/098,896

Patent Number 5,453,758

Inventor: Kazuhiro SATO**MESSAGE TO:** US Patent and Trademark Office – Office of Petitions**FAX NUMBER:** (571) 273-0025**FROM:** RADER, FISHMAN & GRAUER PLLC

Brian K. Dutton

PHONE: (202) 955-3750**Attorney Dkt. #:** SON-417**PAGES (Including Cover Sheet):** 40**CONTENTS:** Copy of PTO Stamped Receipt (1 page)
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